IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 22810 of 2004

Between:

M. Subbarao S/o Venkat Subbaiah
r/o Boggarapuvari Street, Markapur (M), Prakasam District

..... PETITIONER

AND

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Markapur, Prakasam District
3 The Mandal Revenue Officer, Markapur (M), Prakasam

District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in Rc. CS2/4727/2004, dt 22-11-2004 thereby rejecting petitioner's stay petition against operation of order of 2nd respondent issued in Rc. D Dis H/1403/2004, dt 9-11-2004 is illegal, irregular and violative of Art: 14 19 and 21 of the Constitution of India and AP Schedule Commodities (Regulation of Distribution by Card System) order 2001 and set a side the same and consequently direct the respondents to continue him as fair price shop dealer for shop No. 19 of Markapur Town, Prakasam District pending disposal of the appeal on the file of 1st respondent in the interests of justice.

Counsel for the Petitioner : MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

O R D E R:

The authorization of the petitioner was cancelled on the ground that he has resorted to certain irregularities in the matter of distribution of essential commodities. Aggrieved thereby, he preferred an appeal before the first respondent, together with an application for grant of stay. The first respondent passed an order dated 22.11.2004, refusing to grant stay. The same is challenged in this writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Though several contentions are urged on the merits of the matter, this Court is not inclined to deal with the same. Inasmuch as an appeal is preferred, it is for the appellate authority to verify the record and satisfy itself as to whether the order of cancellation against the petitioner is justified or not.

This Court is not at all inclined to permit the petitioner to function as Fair Price Shop dealer, pending disposal of the appeal, once the dealership has been cancelled. The truth or otherwise of the allegations made against the petitioner may certainly be reconsidered in the appeal.

Having regard to the facts and circumstances of the case, the writ petition is

dismissed, directing that the first respondent shall dispose of the appeal preferred by the petitioner, within six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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9th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Joint Collector, Prakasam District at Ongole
2 The Revenue Divisional Officer, Markapur, Prakasam District
3 The Mandal Revenue Officer, Markapur (M), Prakasam

District

4. Two C.Cs to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two CD copies